

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE MAY 7, 2013

AMENDED IN SENATE APRIL 10, 2013

SENATE BILL

No. 298

Introduced by Senators Wyland and Walters

February 15, 2013

An act to add and repeal Section 53069.81 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 298, as amended, Wyland. Local government: supplemental law enforcement services.

Existing law provides that a board of supervisors of a county, and a legislative body of a city, may contract to provide supplemental law enforcement services to private individuals or entities at special events or occurrences.

This bill would, until January 1, 2017, authorize the ~~board~~ *Board* of ~~supervisors~~ *Supervisors* of Orange County to contract to provide supplemental law enforcement services to a homeowners' association on an occasional or ongoing basis to enforce the Vehicle Code on a homeowners' association's privately owned and maintained road, as specified. *It would also require, on or before June 30, 2016, the Department of Justice to prepare and submit a report to the Legislature on certain impacts of this contract and would require the board of supervisors to reimburse the department for the costs of this report.*

This bill would make legislative findings and declarations as to the necessity of a special statute for Orange County.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 53069.81 is added to the Government
2 Code, to read:
3 53069.81. (a) The Board of Supervisors of Orange County
4 may, as part of a pilot project, contract on behalf of the sheriff of
5 that county to provide supplemental law enforcement services to
6 homeowners' associations, as defined in Section 4080 of the Civil
7 Code, on an occasional or ongoing basis to enforce the Vehicle
8 Code on a homeowners' association's privately owned and
9 maintained road, as provided by Section 21107.7 of the Vehicle
10 Code.
11 (b) Contracts entered into pursuant to this section shall provide
12 for full reimbursement to the county of the actual costs of providing
13 those services, as determined by the county auditor or
14 auditor-controller.
15 (c) (1) The services provided pursuant to this section shall be
16 rendered by regularly appointed full-time peace officers, as defined
17 in Section 830.1 of the Penal Code.
18 (2) Notwithstanding paragraph (1), services provided in
19 connection with special events or occurrences, as specified in
20 paragraph (1) of subdivision (a) of Section 830.6 of the Penal
21 Code, may be rendered by Level I reserve peace officers, as defined
22 in paragraph (2) of subdivision (a) of Section 830.6 of the Penal
23 Code, who are authorized to exercise the powers of a peace officer,
24 as defined in Section 830.1 of the Penal Code, if regularly
25 appointed full-time peace officers are not available to fill the
26 positions as required in the contract.
27 (d) Peace officer rates of pay shall be governed by a
28 memorandum of understanding.
29 (e) A contract entered into pursuant to this section shall
30 encompass only law enforcement duties and not services authorized
31 to be provided by a private patrol operator, as defined in Section
32 7582.1 of the Business and Professions Code.
33 (f) Contracting for law enforcement services, as authorized by
34 this section, shall not reduce the normal and regular ongoing

1 service that the county or agency of the county otherwise would
2 provide.

3 (g) Prior to contracting for ongoing services under subdivision
4 (a), the board of supervisors shall discuss the contract and the
5 requirements of this section at a duly noticed public hearing.

6 (h) On or before June 30, 2016, *if the board of supervisors enters*
7 *into the contract authorized pursuant to subdivision (a)*, the
8 Department of Justice shall prepare and submit to the Legislature
9 a report on the impact that a contract entered into pursuant to this
10 section has on the provision of law enforcement services to people
11 in communities within the county that are not served by
12 supplemental police services provided pursuant to this section.
13 This report shall be submitted in compliance with Section 9795.
14 *The Board of Supervisors of Orange County shall reimburse the*
15 *department for the costs of preparing and submitting the report.*

16 (i) This section shall remain in effect only until January 1, 2017,
17 and as of that date is repealed, unless a later enacted statute, that
18 is enacted before January 1, 2017, deletes or extends that date.

19 SEC. 2. The Legislature finds and declares that a special law
20 is necessary and that a general law cannot be made applicable
21 within the meaning of Section 16 of Article IV of the California
22 Constitution because of the presence within the county of a unique
23 homeowner association that is comprised of over 15,000 people
24 with extensive private roads that need law enforcement.